

STAFF REPORT

DATE: October 15, 2009

TO: City Council

FROM: Dawn Zydonis, Parks & Recreation Supervisor

SUBJECT: No-Smoking Ordinance for parks

RECOMMENDATION:

Direct staff.

BACKGROUND:

At the June 13, 2007 City Council meeting, the Nevada County Public Health Department requested that the City Council Consider an Ordinance for Smoke-free Parks. After discussion the Health Department wanted the smoke-free parks to require voluntary compliance, so Jim Anderson, City Attorney at the time wrote a resolution to that effect. At the July 25, 2007 City Council meeting, a draft resolution was brought to City Council, due to the absence of the Police Chief, Councilman McKay and many business owners being unable to attend due to Summer Nights, the discussion and decision were postponed. At the August 22, 2007 City Council meeting, Resolution 2007-19 was passed, banning smoking in Calanan Park and Robinson Plaza and limited smoking to designated areas in Pioneer Park. The Resolution was intended to be a 6-month trial period and then was to be brought back to the City Council to consider if a Smoke-free Ordinance was appropriate. At the January 23, 2009 Parks & Recreation Committee meeting we discussed the no-smoking resolution and the Committee recommends that a no-smoking ordinance be adopted by the City Council. Suggestions were made to include City owned Open Space in the ordinance, a 10-foot zone around Calanan Park and Robinson Plaza and that fines needed to be included in the ordinance. In addition, at the October 14, 2009 City Council meeting, Vice Mayor Bergman requested that City Council consider a smoking ban on trails as well.

Attachments

FINANCIAL IMPACT:

Fiscal impact would include signs, staff time to hang the signs and enforcement of the ordinance.

**MINUTES
CITY OF NEVADA CITY
CITY COUNCIL MEETING
June 13, 2007**

The meeting was called to order at 7:00 pm by Mayor Cottrell at City Hall.

Councilmembers Present: Mayor Steve Cottrell, Vice-Mayor Sally Harris, Councilmembers Barbara Coffman, David McKay, and Sheila Stein

Councilmembers Absent: None

Staff Present: City Manager Mark Miller, City Attorney Jim Anderson, City Engineer Bill Falconi, Finance Manager Catrina Andes, Fire-Chief Sam Goodspeed, Fire Engineer Kevin Cartzdafner, Senior Clerk Corey Shaver, Public Works Director Verne Taylor, Water Plant Supervisor Chris Towne, Police Chief Lou Trovato, Sgt. Dan Badour, Officer Tucker Huey, and consultant Loydene Lane

PLEDGE OF ALLGIANCE: lead by Mayor Steve Cottrell

SPECIAL PRESENTATION: Keith Overby, President of the Nevada City Lion's Club, presented the City with a check for \$12,000 to pay back the cost of the three new basketball Courts in Pioneer Park. He thanked the many businesses and contractors who had contributed their expertise to the project.

PROCLAMATIONS – Mayor Cottrell presented Ed Tyson and Utah Phillips with plaques declaring them *Nevada City Living Treasures*. Mr. Tyson, who has served as the county's long-time official historian, talked about Searls library patrons and citizens who bring in archival photos and documents. Mr. Phillips, who has provided the City with inspirational songs and stories, recounted his vision of the City as a quirky and wonderful place.

A. HEARING FROM THE PUBLIC:

Buck Stoval said there were no agendas available to the audience tonight. Miller noted that the agenda had been posted and was also on the Internet.

Corey Shaver began passing out agendas.

B. CONSENT ITEMS: There were no requests to pull items from the consent items.

1. Receive Fire Department May 2007 Activity Report
2. Approve Resolution 2007-12 Requesting the Nevada County Transportation Commission Release Funds for Pedestrian/Bicycle/Sidewalk Projects
3. Approve Resolution 2007-13 Requesting the Nevada County Transportation Commission Add the main Street Bridge to the Regional Transportation Implementation Plan
4. Approve Resolution 2007-14 Requesting the Nevada County Transportation Commission Allocate \$94,454 of the City's 2007/2008 Local Transportation Funds for Nevada County's Operation of Transit/Paratransit Services
5. Receive City Engineer's Report on Measure S Construction Advertising
6. Authorize Purchase of Police Replacement Vehicle and Equipment not too exceed \$28,000

Action: Motion by McKay, second by Coffman, to approve the Consent Items.

– Consent Items Approved Unanimously –

D. DEPARTMENT ITEMS AND REPORTS:

1. City Engineer/Public Works –

a. Road Closures and Traffic Control for June 17th Nevada City Classic Bicycle Race (47th Annual) – Mr. Falconi reported that the problem with the street work on Union Street will be handled by Tintle Construction moving the bricks, but the sidewalk would not be accessible. Mr. Tintle (from the

audience) said the cyclone fence would be against the scaffolding and hay bales would be on the street side.

b. Update on City Map, Water/Sewer Billing, 2nd Unit and Property Inventory – Falconi said they are still working on the inventory base map identifying 2nd Units. He is very pleased with the excellent response to the surveys, with over 70% back already.

c. Wastewater Treatment Plant Improvement Project Claim Status and Recruitment of Operators – The City Engineer reported that the request for proposals for a new plant operator is being created, but there has been no final decision on the compensation package. He said the Plant is essentially complete and ready to begin construction on the power plant. The preliminary bid is \$35,000 for design and environmental work. Cottrell asked when there will be a formal dedication of the Wastewater plant, and Falconi answered that it could be scheduled during the hydro-plant construction so that citizen's can tour the new facility, possibly in late July or August. He also talked about the 100% survival of the minnows in the state-mandated wastewater effluent test. The Deer Creek water, before it reaches the plant, allowed survival of only 41% of the minnows.

d. Status of City Painting Contract – With the addition of some extra jobs, the contract was in the \$45,000 range and is included in the 06-07 budget.

Falconi also discussed the new sidewalk being built with Safety Funds and Measure S funds from Spring Street to West Broad up to the co-housing project. Public Works Director Verne Taylor said it should be finished by next Tuesday. Vice-Mayor Harris said what a great safety improvement the sidewalk was for the community. Falconi also reported some foundation stones uncovered at the old Hot Mill building are being incorporated into the new wall at the Union Street project by Tintle Construction, using the old technique with no mortar.

2. City Manager Mark Miller – Mr. Miller reported that the new city planner, Cindy Siegfried, has begun work and will be at the Planning Commission meeting tomorrow night. The annexation maps that were begun by Ed Martin will move forward with his continued input. The County and LAFCo will be meeting with the City to discuss the annexation, and Miller asked Sheila Stein to join the Council's on-going representative, David McKay, at the meeting. Mr. Falconi added that there are presently four separate maps moving through the system.

D. PUBLIC HEARINGS:

None

E. OLD BUSINESS:

1. Council Meeting dates for July – Vice-Mayor Harris discussed the conflict of the July meetings with the *Summer Nights* schedule and requested a special July meeting to determine a procedure to deal with the response to the Grand Jury Report on City Hall, emphasizing that it should be very public. There was consensus that the first July meeting will be July 11th despite the special event to see how it works, and then a decision will be made regarding rescheduling of the July 25th meeting. The 11th will also be Vice-Mayor Harris' first meeting as mayor. The special meeting to focus on the response will be held Monday, July 23rd at 6:00 pm. Harris asked that the city attorney assist the Council in navigating the Grand Jury Response, keeping in mind the possible litigation, and requested that discussion to determine the process be agendaized for the next Council meeting.

2. Goal Setting Follow-Up – Mayor Cottrell reported that he and Sheila Stein had taken the 13 or 14 primary items on the basic goal list from the May 23 meeting and assigned as many specific objectives as occurred to them. He then asked for input and consensus on short-term, long-term and on-going projects, and requested guidance from the Council on adding objectives and proceeding to the implementation stage, to be followed by determining costs.

Councilmembers Coffman and Harris discussed the work already done on the signage project by the Economic Enhancement Team, said it was all three – short-term, long-term and on-going – and suggested that NCEET continue the project. Stein requested that the legal requirements for reflective signs be considered, and there was agreement that there be periodic progress reports.

Coffman felt that Long-term goal 2 and Short-term goal 6 – both called *Implement Improved Employee Procedures* – but with slightly different categories were redundant and could be merged as Short-term/Long-term. Also, the state-mandated *Housing Element*, listed as Long-term, has to be completed before the end of 2008, so it should be moved to short-term.

Vice-Mayor Harris complemented the work of Cottrell and Stein, and asked that at some point in the process the order on the list match the order of priority, highest priorities first. She asked that purchase of Sugar Loaf be moved from the bottom of Short-term goal 4 to the top. She also felt that *Bringing 2nd*

Units into Compliance should have specific objectives added and *Establish Historic Importance* be moved to #2 under *Inventory City Property*.

Harris said the Council needs to determine a regular review process for *Implementing Improved Employee Procedures* and discussed adding performance-based compensation. She emphasized having managers set written goals for individual employees and routinely refine them, give regular – at least semi-monthly – feedback, as well as annual written performance reviews. By having this system in place when hiring, it will provide documentation, promote happy employees and reduce law suits. The Council's job will be to track that the above process is carried out. Miller added that an employee evaluation form has already been developed for objectives and goals, and performance based compensation could be implemented immediately with Council's approval.

Councilmember McKay recommended doing a multi-discipline art survey to determine what kinds of art exist and what is lacking in the City so that *Art* will become one of the branding items to visitors. He suggested adding the word *Promote* to *Support the Arts*. Coffman added that the Council needs to establish clear guidelines to determine which art groups to support with City funds. McKay said he would make his notebook on how to promote the arts available. Coffman also questioned the inclusion of the *Support the Chamber of Commerce* in the arts category, and Cottrell explained that they promote art-related events.

Vice-Mayor Harris recommended adding, under Short-term Goal 8, *Implement Customer Management System*, which she explained is a system other cities have found increases productivity and improves morale, and includes measuring customer satisfaction. She wanted to add, under the *City website*, specifics such as *meeting calendars, agendas, minutes*, and eventually *Council packets*. Under *New Water Plant* and *Provide Highest Water Quality Possible*, change possible to *Reasonable*. Under *Implement Measure S*, add *Communicate with Residents and Businesses in Advance and During Construction*, possibly combining E. and F.

Coffman, also under *Implementation of Measure S*, recommended adding *Coordinate Over-all Improvement of City Design*, such as adding new trees and planted areas, with street and sidewalk reconstruction. She also wanted to emphasize by moving it to number one under *Update Fee Schedule, Incremental Water Rates*, meaning people pay for the amount of water they use, which encourages conservation.

3. Recommendation on Staff Salary Adjustments – City Manager Miller said he and Councilmember Stein have met numerous times with employee groups and department heads, and have reached consensus on an improved negotiation system. Stein reviewed their recommendations, which include: 1.) starting July 1st, begin a performance-based pay system with specific measurable goals and require evaluations of all employees, 2.) use the Consumer Price Index so that salaries do not lose further ground to inflation, 3.) Council authorize a pool of funds in the budget which will meet Finance Committee recommendations, and work toward salary parity distributed according to performance evaluations, 4.) employee agreements should be for a two-year term and brought back to Council for final approval of cost, possibly at the next meeting.

Miller stated that a rough projection for the funding pool has been identified in the 07 – 08 budget, and has been reviewed by the Finance Committee. Cottrell asked to see the total compensation package before approval by the Council, including retirement. Harris explained that for the first time, the budget has been constructed person by person by the finance manager and department heads were consulted. Miller added that over-all numbers can be broken out by department.

Coffman asked for an assessment of how realistic it is to implement a performance-based system by July 1st without specific job descriptions in place. Stein asked department heads in the audience if they were creating job descriptions. Miller explained that the two phases can be accomplished concurrently – goals and objectives are specific and can be included in performance evaluations, and said that the Finance Committee was very insistent in supporting measurable performance goals right now and raises with accountability. Stein suggested that the performance review form be brought to the next meeting.

F. NEW BUSINESS:

1. Request for Enforcement and Trail Closure at Dusk Signage at Pioneer Park/Little Deer Creek Trail – John Vodonick, Conley Weaver and Mary Louise Weaver

Mr. Weaver, owner of the Red Castle Inn, read the letter submitted earlier to the Council expressing their concern about those individuals using the Pioneer Park Trail (Miners Trail) adjacent to their property to set up camps in the area, including bonfires. These individuals cross and temporarily inhabit private property, remove personal items, damage security lights and intimidate, as well as panhandle, quests. The request was to close the trail at dusk to safeguard their employees and guests. Mayor Cottrell clarified that Ord. 94-07 specifies closure time for Pioneer Park as 11:00 pm

Mr. Vodonick, owner of the Stonehouse Restaurant, reiterated his concern, as well as that of other property and business owners in his area, for public safety, and requested the same consideration that the City has given to other properties. Mrs. Weaver described some of the alarming behaviors she has witnessed day and night on private property, and asked for vigilance. A second trail which borders the creek itself, also on private property, has been established with more isolated camping areas which also contain graffiti, belongings and trash. Stein asked if there is clear definition between the trail and the beginning of private property.

Attorney Anderson brought up a quiet title action on a ten-foot wide upper trail which he completed several years ago, and there is a trespassing issue involved. McKay said that the owners of the property have given the city stewardship over it, but this does not give the public the right to use it. Miller specified that the City can set limits on its public use. Chief Trovato said it would be difficult to enforce a trail closure because of the personnel shortage, and specified that private property signs must be reasonably posted and owners would have to go to court to testify as the victim of the trespass. Also, it would be helpful if property owners submit letters to the Police specifying that they do not want transients on their property.

Ord. 2002-04 already prohibits consumption of alcohol on Miners Trail and, if Council so directs, signs can be placed specifying that, as well as hours that the trail is closed, and possibly *no smoking* because of the fire hazard. Trovato said that the same problems exist on other trails in town, and they should receive equal consideration, but McKay did not want to postpone acting on this request to review all the trails.

Mayor Cottrell brought up the 9th Circuit Court decision last spring that a City can regulate camping but when a community fails to provide adequate homeless shelters, people are allowed to sit, stand and sleep on public property. Anderson said he would examine its influence on City policies.

The discussion was then opened to the public. Utah Phillips said that since there is no comprehensive plan to deal with homelessness, the problem will increase and this approach will cause the homeless to migrate to new areas. He asked for municipal campgrounds. Wally Krill brought up the drug and alcohol problem and that the reasonable expectation of safety by citizens should be paramount. Buck Stoval did not see a problem with these issues. Scott Mackey disagreed with an incremental approach, and felt that all laws should be administered with no partiality. Bill Falconi mentioned a fire that came near his house about a year ago started by one of the homeless campers.

McKay proposed that the police department exert more effort to enforce the laws. Coffman proposed posting *No Alcohol* signs at each end of the trail very quickly, and recognized that the City attorney will research if the City has the right to stop people from walking on the trail at certain hours of the night. Harris agreed that Council can direct the police to enforce the alcohol ban, recognizing that then the officers will not be available for other priorities. Present law prohibits open alcohol containers in the Historic District, Parks and certain trails. The directives agreed upon were – the City attorney shall determine what property is private, what the old prescriptive easement specifies and if the City has the right to stop people from walking on the trail. This item shall be on the Council agenda for June 27, 2007.

2. Request for Consideration of Ordinance for Smoke-Free Parks – Nevada County Public Health Department

Heather Bullis, Health Educator for Nevada County, requested that Pioneer Park and Calanan Park be designated as smoke-free. Dr. Joe Iser, Director of the Department of Public Health for Nevada County and also Health Officer, discussed the danger of second-hand smoke, as Surgeon General studies show. Lynn Skrkrud, on the state-wide Board for Youth and Tobacco Control, talked about the 4,000 chemicals in tobacco smoke, and showed the bag of cigarette butts picked up at Calanan Park in one day. Hallie Miglietta, Tobacco Use Prevention Coordinator, discussed the survey of City merchants about their support of smoke-free parks. Heater Bullis spoke about other communities and their enforcement of similar laws, and said that this would be a self-enforcing situation where other citizens would request smokers to stop or leave the park.

Attorney Anderson asked if it was their intent to have, at least initially, no police enforcement and no penalty. Ms. Bullis stated that their intent was for education, not citation, and suggested a sunset clause of six-months. Elin Honea, part of Youth Opposing the Use of Tobacco, talked about picking up cigarette butts in both Pioneer and Calanan Parks. Tina Skrkrud, Chair of the Adult Tobacco Coalition, said she would appreciate smoke-free parks so tourists can enjoy them.

The Mayor opened discussion to members of the public. Rod Brown, 302 Gethsemane Street, had health concerns about the City's environment and its impact on tourists, residents and the quality of life. Andrew Sellery, Nevada County citizen, supported a park system that promotes an active, healthy environment. Glenda Zanone said she was not aware of any survey, suggested designated areas for smoking and said other areas of downtown, such as Robinson Plaza, should be considered, as should reasonable expectations of enforcement.

Councilmember Coffman expressed concern about restricting individual choice, suggested that more input was needed to see if citizens understand that it covers both Pioneer and Calanan Parks and really want this kind of Ordinance. McKay believes it is a serious health issue, and referenced the long list of cities and counties that have similar laws. He liked the educational approach and the sunset clause. Harris

recommended that action on Calanan be separate because it is small, but Pioneer is large and could have designated smoking areas – she does not want overly-restrictive rules there. There is already state law that prohibits smoking within 25 feet of children's playgrounds, little league areas and pools. McKay suggested that when the city has special events at Pioneer, temporary signs could go up designating smoking areas. Stein suggested bringing the completed survey back to the Council, placing more cigarette receptacles in more areas, and asked if this would prohibit smoking of marijuana. Anderson answered yes. Cottrell acknowledged that smoking is a problem but does not anticipate supporting this kind of Ordinance. He asked if there was consensus for the City Attorney to draft such an Ordinance. Anderson said he could prepare a resolution, not an Ordinance since it would require voluntary compliance only, for the three parks.

3. Draft Budget Presentation – Mr. Miller reported that there is a completely new budget in a new format thanks to Finance Manager Andes, which accommodates capitol projects, as well as improvements for the citizens, including customer service. It shows conservative revenue values and \$100,000 in reserves. Sales tax percentages have been determined from outside-expert numbers. Expenses should be less than before. Miller said that quarterly reports will be examined for economic trends and come back to the Council. Department heads have been asked to minimize or defer expenses. Of the approximately \$4,000,000 in the general fund, 2.5 million are restricted to special projects. There was a request to break out the department expenses, and explain the Public Works budget. Andes said that the PW expenses are divided between Park & Rec, Streets, and Buildings & Grounds, with expenses for two individuals divided equally between all three. In response to a question about the BID budget not being shown, she responded that it is off-line – not currently in the city's financial system. Mr. Falconi explained that the wording on the Water Treatment Plant section should be *Preliminary Assessment*.

4. Joint Cities/County Annual Meeting, June 28, 2007 – RSVP's were taken by Mr. Miller.

G. COUNCILMEMBER REQUESTED ITEMS AND COMMITTEE REPORTS:

Reports, as needed, on Regularly Scheduled Councilmember Committees:

- a) Parks and Recreation Committee – June 1, 2007
- b) Nevada City Economic Enhancement Team – June 12, 2007
- c) Downtown Town Hall Meeting – June 12, 2007
- d) Nevada County Transportation Commission – Transit Services Commission – June 13, 2007

H. CORRESPONDENCE:

May 2007 ERC newsletter
Item accepted without comment.

I. ANNOUNCEMENTS:

- 1. SOLID AND HAZARDOUS WASTE COMMISSION MEETING –** June 14, 2007, 1:30 pm.
- 2. AFFORDABLE HOUSING MEETING –** Board of Realtors Hosting, Friday, June 15, 2007, 8:30 am.
- 3. 47th NEVADA CITY CLASSIC BICYCLE RACE –**Sunday, June 17, 2007
- 4. NEXT CITY COUNCIL MEETING –** Wednesday, June 27, 2007 at 7:00 pm.
- 5. JOINT CITIES/COUNTY ANNUAL MEETING –** June 28, 2007, Gold Miners Inn, Grass Valley

J. EXECUTIVE SESSION:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS – Councilwoman Stein and City Engineer William Falconi negotiators, Noel Family – (Under negotiation– price and terms of payment, 115 Cement Hill Road, pursuant to Government Code Section 54956.8)

ACTION: Motion by Stein, second by Coffman, to adjourn to executive session at 10:22 pm.
– Passed unanimously –

City Attorney Anderson said there was the possibility of an announcement.

ACTION: Motion by Stein, second by Coffman, to acquire the Noel Property at 115 Cement Hill Road for \$310,000. Passed 4-1 (Cottrell – no).

L. ADJOURNMENT:

ACTION: Meeting adjourned at 11:00 p.m.

 7/27/07

Steve Cottrell, Mayor

Attest:  _____

**MINUTES
CITY OF NEVADA CITY
CITY COUNCIL MEETING
July 25, 2007**

The meeting was called to order at 7:00 pm by Mayor Harris at City Hall.

Councilmembers Present: Mayor Sally Harris, Vice-Mayor Sheila Stein, Councilmembers Barbara Coffman and Steve Cottrell

Councilmembers Absent: David McKay was out of town attending a California League of Cities Conference

Staff Present: City Manager Mark Miller, City Attorney Jim Anderson, City Engineer Bill Falconi, Public Works Director Verne Taylor, Police Sergeant Dan Badour, Parks and Rec Director Dawn Zydonis

PLEDGE OF ALLEGIANCE: Lead by Vice-Mayor Sheila Stein

A. SPECIAL PRESENTATIONS

Dressed in elaborate pirate attire, Ed Scofield, CEO of the Nevada County Fair, demonstrated the 2007 Fair theme of *Pirates of the Barnyard*. He invited all to dress in their finest pirate's garb to attend the opening ceremonies, as well as the fair itself from August 8th through the 12th, and presented the Mayor with a pirate hat and a treasure chest of jewels and information about the event.

Mayor Harris announced a proclamation expressing appreciation to the Children's Festival in Pioneer Park, as well as to Boy Scout Troop 24 members Jesse Mathison and Stephan Sarantopoulos. She presented the two Eagle Scouts with individual proclamations thanking them for their volunteer efforts constructing new picnic tables and refurbishing existing tables in Pioneer Park.

Next was an item not on the agenda – the singing of happy birthday by the Council and the assembled audience to the City Engineer for several decades, Bill Falconi. He blew out the superman candle on his cake, marking his 66th birthday.

Also not on the agenda, Gayle Martin presented the City with a check for \$500.00 to help pay for the drinking fountain and the painting of the picnic tables at Pioneer Park. She expressed thanks to Scout leader Bob Triberg, as well as the volunteer efforts of Public Works Director Verne Taylor for his help each of the past five years getting the park ready for the Children's Festival.

B. HEARING FROM THE PUBLIC

Niel Locke, 800 Lindley, asked about the status of the political sign ordinance. Mr. Anderson answered that it has been adopted and is now City law. Mr. Locke also commended Council, the City Attorney and staff for defusing a potentially extremely difficult situation at Monday night's special Council meeting.

C. COUNCILMEMBER REQUESTED ITEMS AND COMMITTEE REPORTS

Mayor Harris said that she requested this item be moved up on the agenda because of the importance of keeping informed. Referring to the *committee*, *commission* and *liaison* appointments, she said she still has some phone calls to make so is not ready to announce appointments yet.

Vice Mayor Stein reported that she attended a LAFCO meeting, along with Mr. Miller, Mr. Falconi, Mr. Martin and Mr. McKay, regarding the City's Sphere of Influence. Miller explained that LAFCO will hold a hearing to discuss the initial map and results of the meeting. Falconi added that the sphere is unchanged, but the timetable is more realistic and it will come back to the Council and then go to the Planning Commission for pre-zoning.

D. CONSENT ITEMS:

1. Approve Minutes: July 11, 2007
2. Receive Police Department June 2007 Activity Report
3. Receive City Business License Revenue Report
4. Receive Sewer/Water Database Report
5. Receive June 30, 2007 Fund-Financial Report
6. Approve \$15K Amendment to WWTP Project management Contract
7. Receive Nevada City Downtown Assoc. June 30, Balance Sheet and P & L

Mayor Harris requested Item 2 be pulled, and Coffman requested Item 3 be pulled. It had been requested previously that the minutes be pulled permanently.

Action: Motion by Stein, second by Coffman, to approve the Consent Items 4 through 7.
– **Consent Items 4 through 7 Approved Unanimously** –

1. Corrections to July 11, 2007 Minutes:

Cottrell requested that on page 1, A.1. the *three* be changed to *over 20*, and under A. 3. the *psychologically* diverse be changed to *philosophically*. Also on Page 2, Cottrell stated that it was Stein that requested the wording *Department heads should understand...* Coffman asked that under D.2. the words *notify and offer to public agencies* be added to her motion. Harris asked that under D. 2, the *Land Trust property* be changed to *City's property*, and insert the word *almost* to the *all the way to the Willow*.

Action: Motion by Coffman, second by Stein, to approve the Minutes from July 11, 2007 with changes as noted.

– **Minutes Approved Unanimously, with changes** –

2. Receive Police Department June 2007 Activity Report – Harris referenced the speeding citations listed for the four months of these reports, and requested that Miller direct Chief Trovato to develop a program to reduce speeding on the streets in town. Council concurred, especially on Boulder, Searls, Zion, West and East Broad. Harris and Stein both mentioned that they receive input from citizens voicing their concerns about excessive speeds.

There was discussion about the speed limit and U-turn laws in the City. Sgt. Badour explained that in unmarked areas the speed limit is 25 and U-turns are legal in intersections – but not in mid-street in the business district. He also stated that courtesy notices to curb wheels will become citations soon, and violators in the metered 2-hour parking zones need to have notices that chalking will begin, because motorists are not permitted to stay in the same space all day and simply feed the meter every two hours. He also said that the 15 mph limit sign at the top of Broad was removed because there was no speed survey to support it with radar enforcement.

There was a motion made but it was explained that no action was needed from the Council to receive the report.

3. Receive City Business License Revenue Report – Coffman questioned the amount received under Fiscal Year Billed – 7/06-6/07. Miller explained that this was the amount re-billed after July 1, 2007 for the earlier year, and the first billing for the current year has already resulted in the City receiving \$40,000.

E. DEPARTMENT ITEMS AND REPORTS:

1. City Engineer – Ridge/Zion Intersection Improvement Installation Progress, Public Outreach – Mr. Falconi explained that this week the City executed the pavement contract for \$300,000. Public Works Director Taylor explained the new, simpler configuration for Ridge Road involving modifying the angle of the road as it approaches Zion, redoing the island and re-striping. The Gold Flat intersection has had the angle changed, a stop sign and yield lanes added, as well as new signs and a cross-walk. While this adds several stop signs it will speed up traffic flow. Falconi said the Ridge/Zion portion should be completed by August 8, 2007 and the entire project finished within 1 ½ months. Overlays will be paid for with Measure S money and the rest by City transportation and NCTC funds. There will be no additional sidewalk in this area, but there is a new one on Lindley.

2. City Attorney – Sample Ordinance for Little Deer Creek Trail Restrictions – Continued to the next City Council meeting at the request of applicants.

3. City Manager Mark Miller – Miller stated that the City Finance Manager is developing an improved compensated time-off policy that involves really emphasizing to supervisors that employees should use their vacation/time-off within a stated time period. The City presently has about \$100,000 in uncompensated vacation and leave built-up, which can be utilized when staff members retire. This vacation accrual policy will be coming back to Council.

F. PUBLIC HEARINGS:

None scheduled

G. OLD BUSINESS:

1. Sample Resolution for Smoking Prohibition in City Parks

Councilmember Coffman asked if a vote on this resolution, labeled *sample*, was expected tonight, and requested clarification in the future if this is the case. Attorney Anderson said that, according to the

Brown Act, action could be taken tonight, and that in the past asterisks were placed in front of items to clarify when action was expected. It was decided that in the future the word *sample* would not be used.

Mayor Harris opened the Public Hearing at 7:43 pm. Heather Bullis, Health Educator for Nevada County, requested that Calanan Park and Robinson Plaza be curb-to-curb smoke-free. She said that Pioneer Park is large enough to have designated smoking areas. Coffman questioned the difference between smoking in Calanan and smoking on city benches. Ms. Bullis answered that people bring their families and spend more time in parks.

Dr. Joe Iser, Director of the Department of Public Health for Nevada County, discussed the environmental impact of cigarette smoke and stated that there is no safe level of second-hand smoke. He offered to discuss the Surgeon General studies in detail that he says show the levels of particulates are as high outdoors as in enclosed rooms. Lynn Skrkrud, 18055 Starduster Drive, showed two large bags of cigarette butts collected at Calanan Park, one in March and one in June.

Mayor Harris opened the meeting for public comment.

Gary Stollery, 340 Bridgeway, was concerned about impacting business by forcing smokers to congregate in front of doorways on city streets. He feels it would be far better to allow smoking in parking lots and in front of designated bars, restaurants, and businesses that want it.

Felicia Sabania, 14086 Mandolin Lane, wanted to reiterate Dr. Iser's position, and emphasized that smoking creates a litter and pollution problem, and is horrible for pets.

Roger Saol, Red Dog Road, requested a smoking ban at City bus stops.

Charlie Peters, Clean Air Performance Professionals representative and a smoker, said that smoking is an air quality issue, and suggested that there are other solutions that can improve air quality much more quickly than banning smoking.

Lawrence Montanaro, 11226 Manhattan Mine Lane, said that parks are public areas for families and agrees there should be smoke-free parks where people are not endangered by second-hand smoke.

Glenda Zanone, Nevada Street, asked the Council to include Robinson Plaza, as well as the area all the way around City buildings, in the smoking ban. She stated that Calanan Park does not function as other parks because there are no children's areas. She questioned the capabilities of the City Police to enforce a ban, as well as their role in conducting the survey as inappropriate use of City resources. She further questioned the validity of the smoking survey results as being from actual City residents.

James Jay, 106 Clark Street, stated his complaint that this item, which will impact merchants, was agendized for a night when they would be busy with *Summer Nights*, but he is in favor of the smoking-ban in and around buildings.

Jim McConnaughay, 228 Broad Street, said he was one of the businesses surveyed, and he believes that the overwhelming majority of merchants support the elimination of smoking in downtown parks. He hopes that the next step is to ban smoking within 20 feet of doorways.

Niel Locke, 800 Lindley, agreed with Gary and would like to see smoking eliminated from City streets and moved to designated areas because he is offended by it. He is concerned with cigarette butts and the owner of the Hat Store dislikes the burns on his store front.

Heather Bullis discussed the survey, saying there was a survey of businesses and one of residents by phone, door-to-door, at parks and at SPD. They were asked if they were registered to vote in the City, but not if they had three digit addresses.

Cottrell asked about the results hand-out sheet showing that 70% of the respondents said they believe parks are a hangout for drug-users and that 70% also say they are a safe environment for children.

Harris closed the public discussion. Stein proposed that the Council revisit the Resolution at its next meeting when merchants will be able to attend, McKay will also be at the meeting, and adding the verbiage curb-to-curb requires consideration. Coffman stated that she felt there should be designated smoking areas in Calanan Park but she cannot visualize Robinson Plaza yet. She reiterated that state law already prohibits smoking around all children's areas and pools, and that she sees a problem with enforcement given there are no fines or citations. She would like more input from the Police Chief, who returns August 8th. Cottrell said he doesn't want tax-payers money spent on smoking education when the group is heavily funded and suggested that they do their own anti-smoking campaign.

Mayor Harris postponed further consideration until August 8, 2007.

2. City Goals – Councilmember Cottrell and Vice-Mayor Stein – Continued to 8/8/07 meeting

H. NEW BUSINESS:

Request for Partial Closure of Spring Street for Power-up Event – Reinette Senum, 408 Broad Street, requested the closure of Spring Street on Saturday, August 28, 2007, from 2 to 9 pm. for the Power Palooza *energy solution* event. They expect 1,000 to 2,000 attendees but will do set-up, clean-up, and do not expect to need police because of the type of people that attend and the no-alcohol environment. She has spoken to Spring Street businesses to inform them and seek approval.

Coffman requested that the City develop a standard street-closure form with sign-offs for Public Works, Police and Fire Department signatures. Traffic patterns, signs to direct traffic, access for emergency vehicles, and safe placement of vender booths were discussed. Public Works Director Taylor was asked for his opinion about street closures but he declined, stating that his opinions on street closures in the past have compromised his good relations with the Chamber and businesses. Miller emphasized the importance of all employees feeling free to communicate their concerns about City expenditure of funds or impacts on their staff or resources.

Harris opened discussion to the public. Niel Locke stated the City attorney rendered a decision years ago that said any recognized group can request street closure. Both Harris and Stein complimented Senem on last year's very successful event.

Action: Motion by Stein, second by Coffman, to approve the street closure application for Power-up on Saturday, August 18 from 2 to 9:00 pm. to close Spring Street to traffic between Bridge and Pine Street with vender booths to be placed to allow access for emergency vehicles.
– Motion Approved Unanimously –

I. CORRESPONDENCE:

1. **Thank You for West Broad Sidewalk Installation** – Mr. Miller called attention to a letter from Ellen and Carl Hall, 404 Redbud Way, expressing their appreciation for the improved walking access to town via the new sidewalk, and thanking the Council for their service to Nevada City as they address various needs and challenges.

2. **Nevada City Planning Commission – Re: Flags in the Historical District** – Miller discussed the letter asking for direction regarding development of clear and understandable guidelines concerning the display of flags in town, and requesting notification if the Council does not want them to move forward. Anderson said the Commission is prepared to set up a committee to explore options and intends to bring a draft Ordinance back to the Council if so directed. Planning Commissioner John Parent stated that the letter was intended to be self-explanatory, and added that the Commission has received a number of inquiries over the last three months about the City's exterior flag policy throughout town. He explained that the Commission intends to call for more public hearings, and with input from Anderson, draft an Ordinance for the Council's approval.

Anderson specified that *banners* will be included in the wording, and explained that current Ordinances regulate signs and buildings but not flags or banners. Miller suggested that a section of definitions be included. Cottrell brought up the specific Ordinance allowing the Nevada Theater to use flags to promote shows, but Anderson stated that it does not regulate any other flags or banners. Stein suggested that the Commission look at the flag policy in Healdsburg, in Sonoma County, as possibly providing a helpful example. Coffman stressed that the Council does not necessarily condone banning all flags, such as flags for special events like Victorian Christmas. Harris concluded the discussion by stating that it seems to be the pleasure of the Council to have the Planning Commission move ahead, and requested periodic updates from one of the committee members or Commissioners so that the Council can give further direction if the Commission is not moving in the desired direction.

J. ANNOUNCEMENTS:

1. Miller announced that the draft for the new City Code was delivered to City Hall today.
2. Miller announced that the plaintiff in the Ruckman law suit has dismissed their case against the City.
3. Next regularly scheduled City Council Meeting – Wed., August 8, 2007 at 7:00 pm., Council Chambers.

K. EXECUTIVE SESSION:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

(potential litigation pursuant to Gov. Code Section 54956.9 – 1 case, Deer Creek Park II)

Mr. Anderson said there was no announcement anticipated.

L. ADJOURNMENT:

ACTION: Motion by Cottrell, second by Coffman, to adjourn to Executive Session at 9:00 pm.
– Passed unanimously –



Sally Harris, Mayor

Attest: 

**MINUTES
CITY OF NEVADA CITY
CITY COUNCIL SPECIAL MEETING
AND
REGULAR CITY COUNCIL MEETING
August 22, 2007**

The meeting was called to order at 6:30 pm by Mayor Harris at City Hall.

Councilmembers Present: Mayor Sally Harris, Vice-Mayor Sheila Stein, Councilmembers Barbara Coffman, Steve Cottrell and David McKay

Councilmembers Absent: none

Staff Present: City Manager Mark Miller, City Attorney Jim Anderson, City Engineer Bill Falconi, Finance Manager Catrina Andes, Fire-Chief Sam Goodspeed, Police Chief Lou Trovato, Community Service Officer Jack Ward, Park & Rec Director Dawn Zydonis, and Consultant Loydyne Lane

SPECIAL MEETING – City Goals: Councilmember Cottrell and Vice-Mayor Stein

Mayor Harris opened the Special Meeting at 6:30 pm. by stating that the purpose is to discuss the implementation strategy, as drafted by Vice-mayor Stein and Councilmember Cottrell, of the City Goals and Objectives. Councilmember Cottrell said that in the last 15 years the Council has never gone this far in the goals process – which he stated is: 1.) set the goals, 2.) define the objectives, 3.) decide on implementation, and 4.) determine the cost. Councilmember McKay stated that the Council has gone this far before, and accomplished many of their goals, but used a different process.

Vice-Mayor Stein said one of the goals that was not included in this comprehensive list is goal-setting on an annual fiscal basis, as is typical of other cities and counties. She explained that once the City has a detailed list in place, it will be easier to carry the process forward. Councilmember Coffman recommended that due to the time involved in the steps, perhaps every two years would be frequent enough.

Mayor Harris said that determining the process in this much detail demonstrates how much work will be involved in implementation, and suggested that they are all great goals, but perhaps the City has taken on too much for reasonable delivery. She stated that the best time to focus on the process would be in February, before the budget is launched. Councilmember McKay said that there will be other priorities that are not on the list that will come up and need attention also.

Councilmember Coffman recommended they proceed through the list because that is the expectation, but not tackle too many in one sitting. They will need feedback on cost and feasibility, she felt the dates are unrealistic, and perhaps the delegation of responsibility for some should be changed.

City Manager Miller said he would like to focus more on the process, with direction from Council, because the staff is demoralized by the overwhelming list. Staff is already working over capacity, and suggested meeting in another workshop session with the Planning Commission and staff to review the implementation plan. Miller continued that many of these projects are being worked on at various levels already, such as the Housing Element and AB 1600 fees. The staff needs to provide realistic timelines.

Mayor Harris said that more public exposure is needed. She stated that a number of these goals lend themselves to consideration by existing committees, and the Council needs a commitment on what they will be willing to do.

Robert Bergman, Planning Commissioner and resident of 112 Boulder, said he picked up the goals implementation strategies, but thought the other Commissioners had not gotten copies. He agreed it would be more productive to have another gathering of the Council, Commission and staff. He then asked if the Council is still supportive of pursuing solar options. Mayor Harris answered that it is on the list for later consideration.

There was discussion involving exactly what the Council had directed previously regarding the Implementation Strategy – whether approval was given as a consent item and whether new items that had apparently not appeared before are appropriate, particularly *Continue to Support the Chamber of Commerce* under *Support the Arts*. Vice-Mayor Stein said that she and Councilmember Cottrell knew this implementation list would put pressure on, but they wanted to move forward by the end of fiscal year 2008, and they set the dates accordingly.

Mayor Harris stated that in order to move the process forward more efficiently, she will assign various strategies to the appropriate existing committees and ask for input on the do-ability and time frame involved.

After the committees have met, she would like to schedule a meeting. She recommended that they should consider just the goals over the next few months, and work on the feasibility and the steps needed to achieve them through the committees. Mr. Miller said he would report back on what progress is already underway. Councilmember Cottrell said he would bring in the previous Council minutes for reference.

Mayor Harris suggested that a special Council meeting be scheduled, being sure that the Planning Commissioners have the draft and can attend to give input. She stated that the Council will need to hear from staff before or during that meeting regarding what is do-able, what they are already working on, and suggested changes. Harris said she would leave it to the City Manager to determine the appropriate date and time on either the first or third Monday or Wednesday of the month.

REGULAR MEETING

Mayor Sally Harris convened the regular meeting at 7:00 pm.

PLEDGE OF ALLEGIANCE: Lead by Mayor Sally Harris

A. SPECIAL PRESENTATIONS

1. **Proclamation** in recognition and support of California Arts Day, October 5, 2007
Mayor Harris read the entire Proclamation, which highlighted the educational, community, and economic value of the arts to all ages, as well as the uniquely American value of the pursuit of happiness. It further stated the City's strong support for the mission of the California Arts Council. Mayor Harris said the Proclamation would be sent along to the Arts Council.

2. **Proclamation** in recognition of Marching Presidents Day.
Mayor Harris said this proclamation was to commemorate the 20th anniversary of the founding of the Marching Presidents organization by David Parker. She introduced Mr. Parker, who said they have marched in every Constitution Day Parade since then, and in their travels around the country they have discovered that very few communities celebrate the Constitution and presidents as Nevada City does. The proclamation announced September 9, 2007 as Marching Presidents Day.

Councilmember Cottrell added that it was Mr. Parker that had established the William H. Lambert award for long-time community service and that this year this award had been given to Mr. Parker.

3. **Special Presentation** to Loydyne Lane
Mayor Harris asked Consultant Loydyne Lane to step forward and presented her with a large wooden street sign, similar to typical Nevada City signs, emblazoned with *Loydyne Lane* to recognize her extensive work on behalf of the City to reorganize financial and administrative systems. The Mayor said that the sign had been donated by several private citizens.

B. HEARING FROM THE PUBLIC

Susan Snyder, 11731 Still Water Creek, inquired about the status of the agreement with the Deer Creek Park II developers, and voiced her concern regarding a memo prepared for a Nevada County Planning Commission meeting. She asked if an agreement has been signed and stated her concern about a conservation easement on 320 acres rezoned as timberland production. She questioned who will be the trustee of this legal, safeguard easement.

Jerry Bloom, 302 Park Avenue, said he concurred with Susan's statement. He stated that there are 267 undeveloped residential lots in the Boulder Street corridor. He suggested that the \$272,678 the City will get as a payoff on 47 of the lots be used to begin traffic mitigation measures, such as making Boulder one-way east. He urged the City to not accept the agreement with the developer.

C. COUNCILMEMBER REQUESTED ITEMS AND COMMITTEE REPORTS

1. **Reports on regularly scheduled Councilmember Committee or other meetings attended –**
Vice-Mayor Stein reported that NCTV is moving forward with plans to become their own 501(c) 3 non-profit, which will be known as PEET. She said that Terry McAteer gave them their designation and the board is transferring over.

2. **Committee, Commission and Liaison Appointments –**
Mayor Harris announced that she and Vice-Mayor Stein will continue as the liaisons for the Sugar Loaf project.

The City Manager reported that staff is moving along on the General Plan and the Housing Element, and a contractor has been lined up. He requested a liaison from the City Council, and perhaps a Planning Commission representative also, to join them. The deadline is December 31, 2008.

D. CONSENT ITEMS:

1. Receive Police Department August 2007 Activity Report
2. Receive City Business License Revenue Report
3. Receive Sewer/Water Database Report
4. Receive Finance and Program Improvement Report

Action: Motion by McKay, second by Coffman, to approve the Consent Items.
– Consent Items Approved Unanimously –

E. APPROVAL OF MINUTES

Approve Minutes of August 8, 2007

Action: Motion by McKay, second by Stein, to approve the minutes from August 8, 2007
Councilmember Coffman requested that on page 5, the vote was 4 – 1, not 4 – 0 as stated. Vice-Mayor Stein requested that the correct date be inserted on page 5 to replace the X. She also requested that more detail be added in the PERS discussion on page 6, specifically that the 3.5% plus the 5% would not add any additional amount to the unfunded liability per discussion with Marsha Fritz regarding the worst case scenario. Mayor Harris requested that in Kirk Valentine's presentation in the Public Hearing portion, the correct digit be added to the number of responses from the 95959 zip area.
– Minutes Approved Unanimously, with changes as noted –

F. DEPARTMENT REQUESTED ACTION ITEMS AND REPORTS:

1. Park & Recreation Coordinator – Approval to move forward with the Regional Trails Project Grant with City as Lead Agency – Park & Rec Coordinator Zydonis explained that the Council had previously voted to approve the application for a grant with the Land Trust as the lead agency. However, after meeting with a representative from the grant program, Land Trust Trails Coordinator Bill Hare recommended that the City apply with the City as *lead agency* because if the Land Trust is the lead, then the City will have to turn the trail over to them and they will be responsible for trail maintenance. This change will likely not require more staff time. The Land Trust will be building the trail and the City will maintain it with funds from the Indian Trails project.

City Attorney Anderson said that the correct designation is that the City will be the applicant, since the City is already the lead agency. Manager Miller said that the City has received the funds for the Indian Trails project, and they are in a restricted account.

Action: Motion by McKay to move forward with the Recreational Trails Program grant with the City as the applicant. Seconded by Coffman.
– Motion Approved Unanimously –

2. Director of Public Works/City Engineer – Caltrans Approval of Broad Street Overcrossing Pedestrian Improvements, Update on Measure S & Oversight Committee – City Engineer Falconi reported that the paving projects for the year are about done, but there is still a little drainage work in conjunction with the road work just finished. About \$350,000 of Measure S money has been spent on overlay pavement. The City follows these special funds as they come in, and the state has been tracking them at about \$30,000 a month. The Director of Public Works and the City Engineer expect to ask the Council next year to double this.

Mr. Falconi said that there are still some pedestrian improvements to do, in addition to the completed sidewalks on Lindley and upper Broad Street. The Caltrans permit has been received to do the curb cuts and disabled access on lower Broad Street. The permit for work on Gold Flat, Searls, and both upper and lower Coyote, have just been received, and Mr. Falconi will bring the approved Caltrans drawings to the next Council meeting. He announced that there will be a Measure S Oversight Committee meeting September 4, 2007.

Councilmember McKay questioned the repair of the worst potholes around town. Mr. Falconi answered that, since the company that did the repaving does not do pothole work, Hanson Brothers has been hired to do the patch paving work.

3. City Attorney – Update on Housing Element, Hiring Consultant Assistance on Time and Materials – Mr. Anderson reported that he has been communicating with Mr. Miller and Tom Parilo, former County Planning Director, regarding his availability to do the Housing Element for time and materials. Mr. Miller said Mr. Parilo can provide an estimate and is ready to begin next week if authorized.

4. City Manager – Update on Sphere of Influence and Annexation Maps, Annual Audit Report, Update on Planning Commission Study of Flags and Banners – Mr. Miller reported that the City had attended a joint meeting with the County. There has been one LAFCo meeting, and the City Engineer will

attend the next one to answer their questions.

On the annual audit, Miller stated that the new auditing firm will begin next Wednesday. The Planning Commission subcommittee on banners has met and Commissioner Robert Bergman has prepared a thorough flow chart, which Mr. Miller then distributed to Councilmembers.

G. PUBLIC HEARINGS:

1. **Ordinance 2007-04, Regulating Political Election signs Outside of the Historical District, first reading** – Mayor Harris opened the Public Hearing at 8:45 pm. There were no comments from the public.

Attorney Anderson asked the Council if there were any changes in language. Councilmember Stein asked about the statement in the second to last paragraph of page one, "The Council, by resolution, shall adopt a fee representing the cost of removal," and when that would be done. Mr. Anderson replied that it would be done before actually charging a fee, but it is not in this ordinance because then it would have to be amended by ordinance. He recommended that the Director of Public Works determine the cost for staff to retrieve signs, then the amount would be put into a resolution.

Action: Motion by Cottrell to read the title only of Ordinance 2007-04. **Seconded** by McKay.
– **Motion Approved Unanimously** –

Attorney Anderson read the title and stated that the second reading will be scheduled for the next Council meeting. It has already been noticed.

2. **Ordinance 2007-05, Little Deer Creek Trail Restrictions, First reading** – Mayor Harris opened the Public Hearing.

Jerry Bloom, 302 Park Avenue, said he has lived by Pioneer Park since 1979 and uses the trail often during all hours of the day and night. He is opposed to the restrictions and said other regulations can be used to address problems on the trail.

Conley Weaver, 237 Boulder Street, thanked the Council for proceeding with this ordinance, and believes it will be a great help controlling problems along the trail.

Mayor Harris closed the Public Hearing at 7:52. Councilmember Coffman stated that this Ordinance does not solve the problem because the City's 10-foot wide easement for the trail is not where the problem is. Law enforcement will only be able to cite people actually on the trail. Camping off the trail is not addressed. Landowners already have the right to have people removed from their private property, but landowners have not taken advantage of that right.

Attorney Anderson agreed that property owners can give permission to the police to cite trespassers on their property. He said that the Ordinance is needed to add the trail to areas where people can be cited. Mr. Anderson requested a motion to amend the Ordinance to add the word *Trail* to the title.

Action: Motion by Stein to add the word *Trail* to the title of Ordinance 2007-05, making it **An Ordinance for Little Deer Creek Trail Restrictions**. **Seconded** by McKay.
– **Motion Approved Unanimously** –

Councilmember Cottrell said that he opposes the measure as unenforceable and a waste of time. He stated that a sign posted on the two main entrances to the trail will not address all the other paths leading to the trail, and the real problems are not on the trail anyway. He said he will vote to read the title only as a courtesy, but will not support the ordinance.

Mayor Harris said that the Council has had requests from property owners for this type of Ordinance, and therefore she will support it.

Action: Motion by McKay to read the title only of Ordinance 2007-05, **An Ordinance for Little Deer Creek Trail Restrictions**. **Seconded** by Stein.
– **Motion Approved Unanimously** –

Attorney Anderson read the title of Ordinance 2007-05.

H. OLD BUSINESS:

1. **Resolution 2007-19 Regulating Smoking in City Parks (2 alternate versions)** –

City Manager Miller addressed the two versions of the Resolution. Version 1 prohibits smoking in all areas of Calanan Park, Beryl P. Robinson Plaza and Pioneer Park, and is supported by the advocates who brought the resolution to the Council. Version 2 allows smoking in designated areas of Pioneer Park, but not in the

other two parks.

Attorney Anderson clarified that neither version will be enforceable because resolutions do not authorize enforcement. However, an ordinance may be introduced at a later time.

Councilmember Coffman questioned the mechanism for specifying the smoking areas, and said she would like to see it written into the language of the resolution. Mr. Miller said it was expected that the staff would decide on smoking areas. Vice-Mayor Stein said she thought that Mr. Taylor and Mr. Falconi had committed to determine the smoking areas.

Dr. Joe Iser, Director of the Department of Public Health for Nevada County and also Nevada City Health Officer, recommended as his best medical advice that the Council pass Version 2 of the smoke-free park resolution. He recounted the dangers of smoking and second hand smoke.

Felicia Sabayon, from an unincorporated area of Nevada City, said that many areas of California are moving forward with smoke-free parks, including LA and Sacramento. She said that rain causes toxic chemicals from cigarette butts to leach into the water table, and she encouraged passing Version 2.

Heather Bullis, Health Educator for Nevada County, said her organization conducted another butt pickup in Calanan Park, and showed for comparison the bags from March, June and today. She reported that their surveys of businesses and residences alike show overwhelming support for smoke-free parks. She supports Version 2.

Helen Jay, resident and business owner said she is allergic to second-hand smoke. In her shop near Robinson Plaza she sometimes is exposed to smoke from that area. She urged Councilmembers to vote to keep parks smoke-free to protect fragile children and seniors.

Jerry Bloom said that Deer Creek Park II will allow burning, and this will overshadow any cigarette smoking in parks. He supports the right of people to smoke.

Tina Skrkrud reported that her daughter Lynn has been a big part of getting this resolution this far. She said that because 103 Californians die every day from tobacco-related disease, it is important to protect our community by supporting Version 2.

Beth Moore, a Grass Valley teacher, said that as part of her graduation day duties at Nevada Union in June she had to continually ask people to stop smoking.

Mayor Harris closed the public comment period.

Councilmember McKay said that with all the health information that has been presented and with so many people expressing their support for this resolution, he supports Version 2 because the minority should not impact the health of the majority.

Vice-Mayor Stein said she concurs with Dr. Iser. She would like to see a place to dispose of cigarette butts in town similar to the attractive urns available in some cities.

Councilmember Coffman said she favors a designated smoking area in Calanan Park, like the section closest to Union Street and the Bank of America. She also favors designated smoking areas in Pioneer Park, and clarified that by state law tot lots, sports areas, picnic areas and band shells are already smoke-free. She stated that the documents purported to show the dangers of second-hand smoke were staged with smoking devices.

Councilmember Cottrell said he believes that no parks should be non-smoking. If the goal of the Coalition is to educate the public on the dangers of smoking and thereby reduce smoking, a resolution is not needed. A resolution is unenforceable anyway. He commended the proponents for their efforts, but suggested they don't need a resolution to educate the public.

Mayor Harris said that she had talked to people in Sacramento regarding their smoke-free resolution who said that smokers tended to self-enforce the ban. She felt the health issues are overwhelming and it is the

job of public officials to promote health. She agreed that two of the parks are too small to allow smoking areas, and that while the surveys were not scientifically valid, they show enough support among citizens for her to support Version 2.

Action: Motion by McKay to approve Version 2 of Resolution 2007-19 – Regulating Smoking in City Parks. Seconded by Stein.

– Motion Approved – (3 – 2) : Role Call Vote: Coffman, No; Stein, Yes; Harris, Yes; McKay, Yes; Cottrell, No.

2. Policy and Procedure Updates – Adopt State Local Government Records Management Guidelines – City Manager Miller said the retention guidelines provided in the packet are to function as a base document. Staff have adopted some small policies already, but these will serve as a core for records retention.

Vice-mayor Stein asked if record-keeping on CDs is addressed, to which Mr. Miller said that archival requirements have changed. He stated that this is a reasonable set of general guidelines and one of the starts of the City's records management system.

Action: Motion by Stein, second by McKay, to adopt the Secretary of State Local Records Management Guidelines by Secretary of State Kevin Shelley–
– Motion Approved Unanimously –

I. NEW BUSINESS:

1. Request for Future Consideration of a Clean Air Resolution –

Marina Burnhammer, Co-founder of Save the Air in Nevada County and Chair of the Board, gave some background on the group. She introduced Dr. Jeff Kane, a local doctor and expert on the medical consequences of ozone pollution. He proceeded with a power-point presentation showing the dangers of excessive ozone levels, including increased cases of asthma, with children and seniors most susceptible. They requested the City's elected officials partner with them to *Save the Air*.

The Council discussed the sample resolution from Grass Valley.

Alan Staller, Willow Valley Road, discussed the scientific properties of oxygen and ozone, both with and without sunlight, and said that the foothills are actually downwind from the red-brown haze over the Sacramento valley. He said the deadline for Sacramento to clean up their air may be extended from 2013 to 2024.

Councilmember Coffman asked Mr. Staller if he had published this explanation of ozone. He said he has printed similar information in his column in the Union, and he will post this in on the web site.

Shawn Garvey, Vice-Chair of Stay in Nevada City, asked which of the three versions of the resolution was provided to the Council, specifically if it was the edited version passed 5 to 0 by Grass Valley. He stated that Grass Valley has agreed to lead a summit of Sierra-foothill communities to call together city, county and stated agencies to share information and develop an action plan. He discussed the two portable ozone monitors, costing \$9,000 each, purchased by many small, local, contributions which are being calibrated and will be used to accumulate reliable data using a quality action plan. He further asked the Council to generally support better fuel standards, and to work with Grass Valley as they take the lead and convene the summit. Mr. Miller requested the power-point presentation be made available to NCTV, and Allan Staller's presentation to Yubanet.

Allan Crossner, Grass Valley, said he was born in LA and has studied the ozone issue for 40 years. He said he does not question Doctor Kane's information, but he does question the accuracy of the Ozone charts on the Save the Air web site and the source of the ozone in the foothills as being Bay Area and Sacramento cars. He cited a 1970s Riverside study concerning the formation of ozone.

Joanna Robinson, citizen who lives outside Nevada City, said this is a crucial problem and urged the City to join with Grass Valley to study it.

Councilmember Cottrell said he did not understand the scientific explanation, but is interested in the health aspects, as well as the legal issue. He compared it to the Sawyer decision of 1884, referring to man-made activities that impact others. He is happy to support the concept and the resolution.

Councilmember McKay said that he has attended the three Climate Cafes held in the City to discuss topics such as sustainability. He added that the Sawyer Decision was the first environmental decision in the nation. He is happy that Grass Valley is moving ahead with the summit and supports the resolution.

Councilmember Coffman requested that the language *convening a summit* be replaced with *join in a summit*. Council agreed. She requested that the phrase "and will hereforth act upon data and information in a manner that distinguishes it as such," either be explained or deleted. The Council agreed to delete it. Referring to the second paragraph, Coffman agreed that local air doesn't meet health standards but questioned the statement that "Grass Valley and Nevada City failed to meet reasonable health-based standards for air quality." She asked what it was that public entities were supposed to do. McKay clarified that they were to purchase the ozone testing devices and put four of them around the county. She stated that she supports the resolution.

Mayor Harris said that in the interest of time her comments will be short. She strongly supports the resolution and thanked the organization for their efforts.

Action: Motion by McKay, second by Cottrell, to approve the next resolution in order, with changes as suggested – the City of Nevada City Address Health Concerns Resulting from Ozone Pollution in Nevada City and Western Nevada County
– Motion Approved Unanimously –

2. Hearing and Decision on Parks & Rec Committee Recommendation on whether to support formation of County-wide Recreation Task Force.

Beth Moore, board member of the Gold Country Community Council, member of Drug Free Nevada County, and Chair of the Nevada County Youth Center, discussed her three-years of work to develop a Youth Center, or preferably an intergenerational community center, and the funding issues involved. She approached the Adult and Family Services Commission, and they recommended creating a Recreation Task Force to bring together city councils, along with their Park & Rec directors. This could eliminate duplication of services and provide for greater efficiency among the various groups. She requested participation from the City for the proposal that will go to the Nevada County Board of Supervisors and hopefully lead to better use of available funds so that more services can be provided.

Park & Rec Coordinator Zydonis said it is a good idea for all entities to work together, and it would be regrettable if Nevada City was not at the table. She asked for a member of the Council to be a part of it. Mr. Miller said that the City representative would be an elected official, but staff – the Park & Rec Director – could join in the task force, and only one would vote.

Ms. Moore said that we are the only municipality of our size – which may mean a whole county or in some areas a single city – but the only population density of our size in the state that does not have a publicly addressed (funded) recreation method.

Action: Motion by Cottrell, second by McKay, to authorize the Mayor to appoint a Councilmember of her choice to represent the City on a Recreation Task Force, and that staff be available as needed as a resource.
– Motion Approved Unanimously –

J. CORRESPONDENCE:

None

K. ANNOUNCEMENTS:

1. California League of Cities Meeting, September 5 - 8, 2007
2. Constitution Weekend in Nevada City, September 8 - 9, 2007

L. EXECUTIVE SESSION:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
(potential litigation pursuant to Gov. Code Section 54956.9 – 1 case, Deer Creek Park II)

Mr. Anderson said there would likely be an announcement after the closed session.

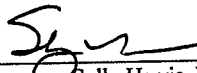
Action: Motion by Stein, second by McKay, to adjourn the Council to executive session at 9:34 pm.
– Passed unanimously –

The Council returned to the Chambers at 9:44 pm. Attorney Anderson announced the Council had voted in closed session to authorize the mayor to sign a settlement agreement between the City of Nevada City and Terra Alto Development regarding Deer Creek Park II. There are copies of the agreement for the press.

Councilmember Coffman stated that the agreement includes a conservation easement, and Councilmember McKay specified that it is in perpetuity with all the appropriate safeguards to guarantee that Nevada City will have the authority to act, and in fact be required to do so, if there is any deviation from the agreement. Councilmember Cottrell added that the vote was unanimous.

L. ADJOURNMENT:

Action: Motion by Coffman, second by Stein, to adjourn the Council meeting at 9:49 pm.
– Passed unanimously –



Sally Harris, Mayor

Attest: 

RESOLUTION 2007-19

A RESOLUTION AUTHORIZING THE CITY OF NEVADA CITY
IN DESIGNATING SMOKE-FREE ZONES IN PARKS

WHEREAS, smoking is responsible for the premature deaths of over 430,000 Americans each year from lung cancer, heart disease, respiratory illness and other diseases; and

WHEREAS, secondhand smoke is responsible for over 50,000 deaths among nonsmokers each year; and

WHEREAS, smoking and secondhand smoke kill more Americans each year than alcohol, cocaine, crack, heroin, homicide, suicide, accidents, fires and AIDS combined; and

WHEREAS, almost 90% of smokers started smoking before the age of 20, and the average initiation age is 14½ years old; and

WHEREAS, 3,000 youth become regular smokers each day and one-third of these children will die prematurely from smoking related illnesses; and

WHEREAS, to help role model non-smoking behavior to children and youth; to provide children, youth and their families with a safe, smoke-free environment;

THEREFORE, the City Council of Nevada City, County of Nevada, State of California resolves as follows:

That Calanan Park and Beryl P. Robinson Plaza be designated completely smoke-free zones, free of tobacco or any other substance. In addition, Pioneer Park, including picnic areas, tot lots, band shell, and sports areas be designated as a smoke-free zone, and no person shall smoke tobacco or any other substance in Pioneer Park *other than in designated smoking areas.*


Passed and adopted at a regularly scheduled meeting of the City Council held on August 22, 2007 by the following vote:

AYES: HARRIS, STEIN, MCKAY

NOES: COFFMAN, COTTRELL

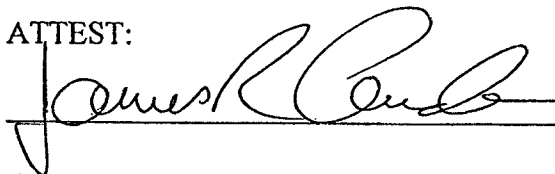
ABSENT: NONE

ABSTAIN: NONE



Sally Harris, Mayor

ATTEST:



SCALE: 1" = 80'



CA. State Health & Safety Code

104495. (a) For the purposes of this section, the following definitions shall govern:

(1) "Playground" means any park or recreational area specifically designed to be used by children that has play equipment installed, or any similar facility located on public or private school grounds, or on city, county, or state park grounds.

(2) "Tot lot sandbox area" means a designated play area within a public park for the use by children under five years of age. Where the area is not contained by a fence, the boundary of a tot lot sandbox area shall be defined by the edge of the resilient surface of **safety** material, such as concrete or wood, or any other material surrounding the tot lot sandbox area.

(3) "Public park" includes a park operated by a public agency.

(4) "Smoke or **smoking**" means the carrying of a lighted pipe, lighted cigar, or lighted cigarette of any kind, or the lighting of a pipe, cigar, or cigarette of any kind, including, but not limited to, tobacco, or any other weed or plant.

(5) "Cigarette" means the same as defined in Section 104556.

(6) "Cigar" means the same as defined in Section 104550.

(b) No person shall smoke a cigarette, cigar, or other tobacco-related product within 25 feet of any playground or tot lot sandbox area.

(c) No person shall dispose of cigarette butts, cigar butts, or any other tobacco-related waste within 25 feet of a playground or a tot lot sandbox area.

(d) No person shall intimidate, threaten any reprisal, or effect any reprisal, for the purpose of retaliating against another person who seeks to attain compliance with this section.

(e) Any person who violates this section is guilty of an infraction and shall be punished by a fine of two hundred fifty dollars (\$250) for each violation of this section. Punishment under this section shall not preclude punishment pursuant to Section 13002, Section 374.4 of the Penal **Code**, or any other provision of law proscribing the act of littering.

(f) The prohibitions contained in subdivisions (b), (c), and (d) shall not apply to private property.

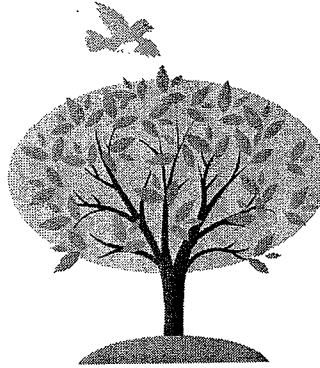
(g) The prohibitions contained in subdivisions (b) and (c) shall not apply to a public sidewalk located within 25 feet of a playground or a tot lot sandbox area.

(h) This section shall not preempt the authority of any county, city, or city and county to regulate **smoking** around playgrounds or tot lot sandbox areas. Any county, city, or city and county may enforce any ordinance adopted prior to January 1, 2002, or may adopt and enforce new regulations that are more restrictive than this section, on and after January 1, 2002.

Smoke Free Parks

Nevada City

November 2009



Secondhand Smoke Facts & FAQ

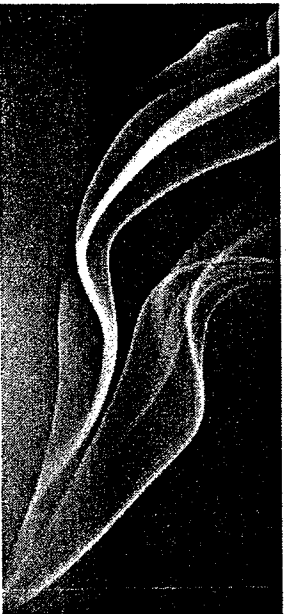
Other Communities in California with Smoke Free Outdoor Areas

2006 Retail Opinion Survey

2007 Survey Results

Smoke Free Parks Enforcement Best Practices

**Prepared by the Nevada County Tobacco Use Prevention Youth Coalition Program
Funded by Prop 99 Tobacco Tax**



Secondhand Smoke Fact Sheet

Everyday, Californians visit parks, beaches, fairs, sporting events, and college campuses. They shop in outdoor malls, dine outdoors, use building entrances and stand in outdoor waiting lines. Throughout these everyday activities, they are often being exposed to drifting secondhand smoke which irritates their eyes, noses and throats – increasing their likelihood of developing heart disease, lung cancer, nasal sinus cancer, acute respiratory infections, ear infections, and asthma.

Since tobacco smoke is very hot when released from a lit cigarette, cigar, or pipe, the heat (similar to a hot air balloon) makes the smoke rise for a short while. The initial visual observation gives the impression that outdoor tobacco smoke harmlessly rises into the atmosphere and away from people. However, the *truth* is that the 4,000 chemicals within the smoke quickly cool off, become invisible, and descend. While descending, the toxic air swirls around nearby children and adults. It can also drift into and contaminate the air within nearby buildings.

Researchers have reported the negative health effects of secondhand smoke for decades. University of California research reveals that inhaled secondhand smoke, which comes from the lit end of a cigarette, cigar, or pipe is approximately four times more toxic than the smoke inhaled by the person who smokes. In 2006, the California Air Resources Board identified secondhand smoke as a toxic air contaminant. Also in 2006, the Surgeon General stated, "The scientific evidence about the dangers of secondhand smoke is indisputable: there is no risk-free level of exposure to secondhand smoke". Most recently, Neil Klepeis, PhD, a Stanford University researcher on secondhand smoke exposure stated, "A person near an outdoor smoker might inhale a breath that contains 50 times more toxic materials than if they were breathing near a non-smoker."

- The California Air Resources Board identified secondhand smoke as a toxic air contaminant both in and outdoors.

- According to the California Department of Public Health, secondhand smoke in California, causes 4,000 lung cancer and cardiac deaths as well as more than 6,000 pre-term deliveries and low birth weight infants a year.

- The United States Surgeon General Report in June of 2006 designated secondhand smoke a serious public health hazard, with no safe level of exposure.

- According to the California Department of Public Health, over 86% of California adults **do not** smoke.

- A Stanford University study in 2007 found that the levels of exposure to secondhand smoke outdoors can be comparable to the levels of exposure indoors.

- According to the California Smokers' Helpline, policies that restrict tobacco use have been shown to help and support people who smoke and want to quit.



Secondhand Smoke Outdoors Frequently Asked Questions

1. Is secondhand smoke really that bad?

Yes. Researchers have reported and confirmed the negative health effects of secondhand smoke for decades. Inhaled secondhand smoke is approximately **four times** more toxic than the smoke inhaled by the person. The 2006 Surgeon General's Report states that secondhand smoke causes premature death and disease in children and adults. The report also states that children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome, acute respiratory infections, ear problems, and severe asthma.

2. Why should we be worried about exposure to secondhand smoke outdoors?

Tobacco smoke is very hot when released from the lit cigarette, cigar, or pipe, which makes the smoke rise for a short while. The initial visual observation gives the impression that outdoor cigarette smoke harmlessly rises into the atmosphere and away from people. However, the *truth* is that the smoke, along with concentrated gases, particles and cancer-causing chemicals, quickly cools off, becomes invisible, and descends. While descending, the toxic air swirls around nearby children and adults, contaminating their breathing space. Because of this, the California Air Resources Board has identified secondhand smoke as a toxic air contaminant.

3. Isn't the amount of secondhand smoke outside that people encounter negligible?

No. The toxic chemicals are highly concentrated. Most recently, a Stanford University study found that an individual near a person who is smoking outdoors might inhale a breath that contains 50 times more toxic materials than if they were breathing near a non-smoker. Recent research also shows that exposure to secondhand smoke for as little as 30 minutes can affect the adult heart adversely.

4. What can be done to limit exposure to secondhand smoke outdoors?

Hundreds of local governments, institutions, and many other places around California, the United States, and the world are restricting smoking not only indoors, but outdoors as well. Communities are protecting individuals from harmful exposure by developing and implementing smoke-free policies at parks, campuses, beaches, restaurant and bar patio areas, service lines, and many other public places.

5. Is there a history of the State of California and/or local governments within California enacting laws that protect individuals from a known hazard?

Yes. The California Department of Public Health notes that in the past, government has imposed limits on personal activities in private and public spaces, based on the existence of a danger without alternative means to effectively reduce risk or harm. For example, seatbelt and bicycle helmet requirements, child safety seat requirements, and personal flotation device regulations were all enacted to protect public health and safety. For over 30 years, California has protected its residents from secondhand smoke, starting with smoke-free grocery stores.

"The debate is over. The science is clear.

Secondhand smoke is not a mere annoyance but a serious health hazard."

-- 2006 Surgeon General's Report

Secondhand Smoke Facts

"The health effects of secondhand smoke exposure are more pervasive than we previously thought. The scientific evidence is now indisputable: Secondhand smoke is not a mere annoyance, it is a serious health hazard that can lead to disease and premature death in children and nonsmoking adults."

"The good news is that, unlike some public health hazards, secondhand smoke exposure is easily prevented."

"Nonsmokers need protection through the restriction of smoking in public places."

*-Surgeon General Richard Carmona
Released in June of 2006*

- Children are more susceptible to the effects of secondhand smoke because their lungs and body weight are small and they are not always able to move away from tobacco smoke, as adults are able to do.
- When children see adults smoking in family-friendly places it "normalizes" smoking, making children more likely to try cigarettes or other tobacco products.
- Cigarette butts make our parks look dirty and uninviting; 4.5 trillion butts are littered every year in the U.S.
- Young children often follow the concept of monkey-see-monkey-do, if they find a butt on the ground might pick it up and put it in their mouths, possibly choking, burning or poisoning themselves.
- Secondhand smoke contains 4000 chemicals, 250 are known to be harmful and 50 are known to cause cancer.
- Chemicals in nicotine include arsenic, beryllium, benzene and polonium-210 (a radio active substance).
- Secondhand smoke has been classified by the Environmental Protection Agency as a class A carcinogen, meaning it is known cause of cancer in humans.
- Secondhand smoke is estimated to cause 150,000 to 300,000 lung infections, such as pneumonia and bronchitis in children under 18 months of age each year

- It is estimated that over 35,000 people die every year in the U.S. from heart disease due to secondhand smoke exposure.
- Children who are exposed to secondhand smoke are at an increased risk of Sudden Infant Death Syndrome (SIDS), acute respiratory infections, ear problems, and severe asthma.
- Who has smoke free parks in our area?
 - Grass Valley – Condon (skate park) & Elizabeth Daniels
 - Truckee – West End Beach, Bill Rose Memorial & Regional Park

California Communities Prohibiting Smoking / Tobacco Use in Outdoor Dining, Parks, Beaches, And Sporting Venues

Revised 1/09

This is a selection of California communities that, as of January 2009, have adopted policies restricting or eliminating tobacco use in public places. It is not exhaustive and is subject to change. For more information on specific Cities and/or Counties, please refer to the Secondhand Smoke Policy Database located at www.ccap.etr.org.

Anaheim: (Orange County): Smoke-Free outdoor sport venues

Alameda County: Smoke-free outdoor dining

Albany: (Alameda County): Smoke-free athletic fields

Alhambra: (Los Angeles County): Smoke-free parks

Anaheim: (Orange County): Smoke-free athletic fields

Arcata: (Humboldt County): Smoke-free outdoor dining, athletic fields

Baldwin Park: (Los Angeles County): Smoke-free parks, outdoor dining

Belmont: (San Mateo County): Smoke-free outdoor dining, parks

Berkeley: (Alameda County): All public places smoke-free, indoors and outdoors, including outdoor dining, and athletic fields

Beverly Hills: (Los Angeles County): Smoke-free outdoor dining

Blue Lake: (Humboldt County): Smoke-free outdoor dining & sport venues

Buellton: (Santa Barbara County): Smoke-free outdoor dining and athletic fields

Burbank: (Los Angeles County): Smoke-free parks, outdoor dining, and athletic fields

Calabasas: (LA County): Smoke-free outdoor dining and parks

Calexico: (Imperial County): Smoke-free parks, and sporting venues

Capitola: (Santa Cruz County): Smoke-free beaches

Carmel: (Monterey County): Smoke-free beaches

Carpinteria: (Santa Barbara County): Smoke-free parks, beaches and sport venues

Carson: (Los Angeles County): Smoke-free parks

Ceres: (Stanislaus County): Smoke-free parks

Cerritos: (Los Angeles County): Smoke-free parks

Chula Vista: (San Diego County): Smoke-free outdoor dining

Clayton: (Contra Costa County): Smoke-free sport venues

Clovis: (Fresno County): Smoke-free parks

Concord: (Contra Costa County): Smoke-free sport venues

Contra Costa County: Smoke-free parks & gardens and outdoor dining

Corona: (Riverside County): Smoke-free parks

Coronado: (San Diego County): Smoke-free beaches & piers, and parks

Covina: (Los Angeles County): Smoke-free parks

Culver City: (Los Angeles County): Smoke-free parks and outdoor dining

Davis: (Yolo County): Smoke-free outdoor public places, including outdoor dining, public gardens and sport venues

Del Mar: (San Diego County): Smoke-free parks, beaches, and outdoor dining

Dublin: (Alameda County): Smoke-free outdoor dining,

El Cajon: (San Diego County): Smoke-free parks and outdoor dining

El Centro: (Imperial County): Smoke-free sport venues

El Dorado Hills Community Services District: (El Dorado County): Smoke-free skate park

El Monte: (Los Angeles County): Smoke-free parks

El Segundo: (Los Angeles County): Smoke-free beaches

Emeryville: (Alameda County): Smoke-free outdoor dining, parks & gardens

Firebaugh: (Fresno County): Smoke-free parks

Fountain Valley: (Orange County): Smoke-free parks

Fowler: (Fresno County): Smoke-free parks

Fremont: (Alameda County): Smoke-free outdoor areas within a “reasonable distance” of designated nonsmoking areas & sport venues

Fresno: (Fresno County): Smoke-free parks & zoos

Fresno County: Smoke-free parks

Gardena: (Los Angeles County): Smoke-free parks

Gilroy: (Santa Clara County): Smoke-free outdoor dining

Glendale: (Los Angeles County): Smoke-free parks, outdoor dining

Glendora: (Los Angeles County): Smoke-free parks

Goleta: (Santa Barbara County): Smoke-free outdoor dining, smoke-free sport venues

Grand Terrace: (San Bernardino County): Smoke-free parks

Hawthorne: (Los Angeles County): Smoke-free parks

Hayward: (Alameda) Smoke-free outdoor dining

Healdsburg: (Sonoma County): Smoke-free parks

Hermosa: (Los Angeles County): Smoke-free beaches

Huntington Beach: (Orange County): Smoke-free beaches

Huntington Park: (LA County): Smoke-free parks

Imperial Beach: (San Diego County): Smoke-free beaches & parks

Imperial County: Smoke-free parks

Irvine: (Orange County): Smoke-free parks

Jackson: (Amador County): Smoke-free parks

La Mesa: (San Diego County): Smoke-free parks

La Puente: (Los Angeles County): Smoke-free parks

Lafayette: (Contra Costa County): Smoke-free sport venues

Laguna Beach: (Orange County): Smoke-free beaches and outdoor dining

Laguna Hills: (Orange County): Smoke-free outdoor dining and parks

Laguna Niguel: (Orange County): Smoke-free parks

Laguna Woods: (Orange County): Smoke-free outdoor dining and sport venues

Lake Forest: (Orange County): Smoke-free parks

Lakeport: (Lake County): Smoke-free parks

Lathrop: (San Joaquin County): Smoke-free parks

Lemon Grove: (San Diego County): Smoke-free sport venues

Livermore: (Alameda County): Smoke-free athletic fields

Lomita: (Los Angeles County): Smoke-free parks

Long Beach: (Los Angeles County): Smoke-free beaches

Los Alamitos: (Los Angeles County): Smoke-free parks

Los Angeles: (LA County): Smoke-free beaches and parks

Los Angeles County: Smoke-free beaches

Los Gatos: (Santa Clara): Smoke-free outdoor dining

Malibu: (LA County): Smoke-free beaches and piers

Mammoth Lakes: (Mono County): Smoke-free parks

Manhattan Beach: (Los Angeles County): Smoke-free beaches & parks

Marin County: Smoke-free outdoor dining & sport venues

Marina Del Rey: (Los Angeles County): Smoke-free beaches

Menlo Park: (San Mateo County): Smoke-free outdoor dining

Milpitas: (Santa Clara County): Smoke-free sport venues

Modesto: (Stanislaus County): Smoke-free parks

Monterey: (Monterey County): Smoke-free beaches

Monterey County: Smoke-free parks and sport venues

Monterey Park: (Monterey County): Smoke-free beaches.

Monterey Park: (Los Angeles County): Smoke-free parks

Moreno Valley: (Riverside County): Smoke-free parks

Morro Bay: (San Luis Obispo County): Smoke-free beaches

Newark: (Alameda): Smoke-free athletic fields, outdoor dining

Newport Beach: (Orange County): Smoke-free parks, beaches

Novato: (Marin County): Smoke-free outdoor dining

Oakland: (Alameda County) Smoke-free parks and outdoor dining

Oceanside: (San Diego County): Smoke-free parks and beaches

Ojai: (Ventura County): Smoke-free athletic fields

Orinda: (Contra Costa County): Smoke-free parks

Pacific Grove: (Monterey County): Smoke-free beaches

Pacifica: (San Mateo County): Smoke-free beaches

Palm Desert: (Riverside County): smoke-free parks, sport venues, and city property (except where specific signs are posted permitting such smoking).

Palmdale: (Los Angeles County): Smoke-free water park

Palo Alto: (Santa Clara County): Smoke-free outdoor dining, parks

Pasadena: (LA County): Smoke-free parks